

TOWN OF HOUSTON
Chapter 450 Solicitation and Collections

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ARTICLE I-DEFINITIONS

For the purposes of this Chapter the following definitions shall be applicable unless the context clearly indicates to the contrary:

SOLICITING The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the Town limits.

PEDDLING The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with them in traveling or has in their possession or control upon any streets or sidewalks or from house to house within the Town limits.

SOLICITOR OR PEDDLER Any person who shall engage in soliciting, peddling, respectively, as hereinabove defined.

TRANSIENT MERCHANT A person who engages or proposes to engage temporarily in merchandising business in the Town and occupies a room, building ,tent, vehicle, lot, stand or other premises for the purpose of selling, trading or bartering goods, wares and merchandise.

ARTICLE II-APPLICABILITY

It shall be unlawful for any person, firm, association, corporation, agency, or representative thereof to engage in soliciting or peddling for services and/or sales house to house or on any property within the Town limits without obtaining a Special Event Permit as stated in Chapter 475. When a Special Event Permit is approved, the following regulations within this Chapter regarding solicitation and collections must be adhered to unless approved by the Town Council:

1. All transactions will be conducted between the hours of 9:00 am and 7:30 pm, except Sunday.
2. All transactions will be conducted in a responsible, orderly manner so as to not subject residents to annoyance or harassment, or in any other way be disruptive of or interfere in the personal lives of said residents.
3. Must be licensed for a business by the Town of Houston and State of Delaware. Such soliciting and/or peddling will be subject to Chapter 175-Fees under Vendor Business License-annually. Applications are available with the Town of Houston.

4. All products sold, disposed of or offered for sale under this Article shall comply with all laws of the Delaware Department of Public Health relating to food and food products.
5. No one shall hawk or cry their goods, wares, merchandise, articles, contracts or services upon any streets or sidewalks located within the Town limits, nor shall they use any loudspeaker or horn or other device on public property for announcing their presence by which members of the public are annoyed.
6. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited.
7. No person shall solicit any business whatsoever at the scene of any accident within the Town limits.

ARTICLE III-EXEMPTIONS

1. The selling of any form or produce grown upon a farm and/or property owned by the vendor or any member of his or her family with whom he or she resides.
2. Anyone under sixteen (16) years or age to perform services such as: grass cutting, lawn mowing and shoveling snow.
3. Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

ARTICLE IV-VIOLATIONS AND PENALTIES

Any owner of property or the tenant of any owner violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than \$50 nor more than \$200 or imprisoned for a term of not more 20 days, or both, and shall pay the cost of prosecution. For the purposes of this Chapter, each day or part thereof that a violation continues shall be deemed to be a separate offense.

ARTICLE V-ADDITIONAL REMEDY

In addition to any other remedy provided for in this article and because the purpose of this Chapter is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Houston, the Town Council and/or his/her designee is hereby authorized to bring an action in any court of competent jurisdiction to enjoin any violation of any provision of this article.